

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LABORERS' PENSION FUND, et al.,)	
)	
Plaintiffs,)	Case No. 08 C 925
v.)	
)	Judge ANDERSEN
NEW VIEW INSTALLATIONS, INC., an)	
involuntarily dissolved Illinois corporation, and)	
KATHLEEN M. BALLATIN, individually and)	
d/b/a NEW VIEW INSTALLATIONS, INC.,)	
and EDWARD P. BALLATIN, individually and)	
d/b/a NEW VIEW INSTALLATIONS, INC.,)	
)	
Defendants.)	

MOTION FOR RULE TO SHOW CAUSE

NOW COME Plaintiffs, Laborers' Pension Fund and Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity (collectively "Plaintiffs" or the "Funds") and James S. Jorgensen ("Jorgensen"), by and through their attorney, Charles Ingrassia, hereby move for a Rule to Show Cause against Defendants New View Installations, Inc., (the "Company") Kathleen M. Ballatin, individually and d/b/a New View Installations, Inc., ("Kathleen Ballatin"), and Edward P. Ballatin, individually and d/b/a New View Installations, Inc., ("Edward Ballatin," and hereinafter the individual Defendants will be collectively referred to as the "Ballatins"). In support of this Motion, Plaintiffs state:

1. The Funds filed their Complaint on February 13, 2008 seeking to compel the Company and the Ballatins to submit benefit reports and contributions for the period of November 2007 forward, to submit union dues reports and dues for the period of November 2007 forward, to submit to an audit upon demand and to compel the Company and the Ballatins to

obtain and maintain a bond.

2. The Company and the Ballatins failed to file an answer or otherwise plead and this Court found them in default on April 17, 2008.

3. The Funds sent the Company and the Ballatins a letter dated April 21, 2008 which requested that they contact the Funds by May 12, 2008 to comply with this Court's Order. A true and accurate copy of the letter is attached hereto as Exhibit A. The Company and the Ballatins have failed to contact the Funds and/or comply with this Court's Order by that date.

4. Accordingly, the Funds respectfully request that this Court enter an Order directing Defendants New View Installations, Inc., Kathleen M. Ballatin, individually and d/b/a New View Installations, Inc., and Edward P. Ballatin, individually and d/b/a New View Installations, Inc., to appear and show cause why they should not be held in contempt for failing to comply with this Court's Order dated April 17, 2008. Plaintiffs further request that this Court award them their attorneys' fees and costs incurred in bringing this Motion.

WHEREFORE, Plaintiffs respectfully request that this Court enter an Order directing Defendants New View Installations, Inc., Kathleen M. Ballatin, individually and d/b/a New View Installations, Inc., and Edward P. Ballatin, individually and d/b/a New View Installations, Inc. to appear and show cause why they should not be held in contempt for failing to comply with this Court's Order dated April 17, 2008. Plaintiffs further request that this Court award them their attorneys' fees and costs incurred in bringing this Motion.

May 13, 2008

Respectfully submitted,

Laborers' Pension and Welfare Funds, et al.

By: /s/ Charles Ingrassia

Office of Fund Counsel
111 W. Jackson Blvd., Suite 1415
Chicago, IL 60604
(312) 692-1540

PENSION
AND
WELFARE
FUNDS

**LABORERS' PENSION FUND and
HEALTH and WELFARE DEPARTMENT
of the CONSTRUCTION and GENERAL
LABORERS' DISTRICT COUNCIL of
CHICAGO and VICINITY**

11465 CERMAK ROAD
WESTCHESTER, IL 60154
Main # (708) 562-0200 Ext. 218

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CHICAGO, IL 60604-3868
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BOARD OF TRUSTEES

ADMINISTRATOR
JAMES S. JORGENSEN

SECRETARY
ALAN ESCHÉ

PENSION FUND

FOR LABOR
JOSEPH COCONATO
JAMES P. CONNOLLY
J. MICHAEL LAZZARETTO
RICHARD SHERMAN
LARRY WRIGHT
JEFF M. ZIEMANN

FOR EMPLOYERS
BENJAMIN D'ANDREA
ALAN ESCHÉ
RICHARD E. GRABOWSKI
ROBERT G. KRUG
DAVID H. LORIG
GARY LUNDSBERG

WELFARE FUND

FOR LABOR
JAMES P. CONNOLLY
MARTIN T. FLANAGAN
RICHARD KUCZKOWSKI
SCOTT PAVLIS
TIM RILEY
RICHARD SHERMAN

FOR EMPLOYERS
ALAN ESCHÉ
CHARLES J. GALLAGHER
RICHARD E. GRABOWSKI
DAVID H. LORIG
DENNIS P. MARTIN
TIM J. SCULLY

April 21, 2008

Edward P. Ballatin
Kathleen M. Ballatin
New View Installations, Inc.
7134 N. Melvina
Chicago, Illinois 60646

COPY

Re: Laborers' Pension Fund et al., v.: New View Installations, Inc., Kathleen M. Ballatin, and Edward P. Ballatin: 07 CV 6422

Mr. and Mrs. Ballatin:

Enclosed please find an Order signed by the Hon. Wayne R. Andersen on April 16, 2008 ordering you and the Company to: (a) submit benefit reports and contributions for the period of November 2007 forward; (b) submit Union dues reports and dues for the period of November 2007 forward; and (c) produce Company books and records and to submit to an audit for the period of January 1, 2005 forward. Please contact me immediately to comply with the Court's Order. Be advised that if you have not responded and complied with the Court's Order by May 12, 2008, I will be left with no choice but to file the appropriate Motion for Rule to Show Cause why you should not be held in contempt.

Do not hesitate to contact me should you have any further questions.

Very truly yours,

LABORERS' PENSION AND WELFARE FUNDS

Charles Ingrassia

Encl.

Reply to Chicago Office



EMPLOYER PARTICIPANTS -

Builders' Association, Employing Plasterers' Association, Underground Contractors' Association, Mason Contractors' Association, Concrete Contractors' Association, Wrecking Contractors, Concrete Products Employers, Lake County Illinois Employers, Illinois Road Builders Association, Bridge and Highway Structural Builders; i.e. all those who employ Laborers Engaged in the Building and Construction Industry.

CERTIFICATE OF SERVICE

The undersigned certifies that he caused copies of the foregoing *Motion for Rule to Show Cause*, to be served upon the following person, via U.S. Mail, this 13th day of May, 2008.

To: New View Installations, Inc.,
c/o Kathleen M. Ballatin, President
7134 N. Melvina
Chicago, IL 60646

Kathleen M. Ballatin
7134 N. Melvina
Chicago, IL 60646

Edward P/ Ballatin
7134 N. Melvina
Chicago, IL 60646

/s/ Charles Ingrassia